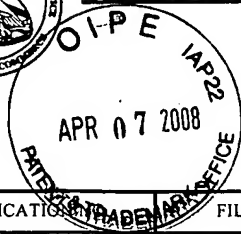




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,862	01/16/2004	David Kumhyr	AUS920030908US1	8001

7590 04/02/2008  
Darcell Walker  
Suite 250  
9301 Southwest Freeway  
Houston, TX 77074

EXAMINER

LEMIEUX, JESSICA

ART UNIT	PAPER NUMBER
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3693

MAIL DATE	DELIVERY MODE
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04/02/2008

.PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/758,862	<b>Applicant(s)</b> KUMHYR, DAVID	
	<b>Examiner</b> JESSICA L. LEMIEUX	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-7, 13-18 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-12 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Final Office action is in response to the application filed on January 16<sup>th</sup>, 2004 and in response to the applicant's arguments/amendments filed on February 12<sup>th</sup>, 2008. Claims 1- 20 are pending and claims 5-7, 13-18 and 20 have been cancelled. Claims 1-4 and 8-12 have been amended.

#### ***Response to Arguments***

2. Applicant's arguments, filed February 12<sup>th</sup>, 2008, are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

5. Claim 8 is objected to because of the following informalities:

Claim 8 recites "the method as described in claim 8." Examiner notes that it would have been obvious to one skilled in the art at the time of invention to understand it to mean "the method as described in claim 3."

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 3-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,796,488 to Saffarian (hereinafter Saffarian) in view of US Patent Application Number 2003/0033252 to Buttridge et al. (hereinafter Buttridge).

As per claims 1 and 9

Saffarian discloses calculating a total sale amount (page 3, lines 43-45), in response to a user input activating the check writing process (page 3, lines 45-48) receiving a blank check from a payee (page 3, lines 55-57) and retrieving transaction information for a current sales transaction (page 3, lines 52-55).

Saffarian does not specifically teach scanning at a payment terminal a blank check from a payee and retrieving payee information from the scanned check.

Buttridge teaches scanning at a payment terminal a blank check from a payee and retrieving payee information from the scanned check (page 1, paragraph [0008] and page 3, paragraph [0027]).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include scanning at a payment terminal a blank check from a payee and retrieving payee information from the scanned check as taught by Buttridge to enable more efficient account verification since all information regarding the check and account corresponding to the check can be identified.

Saffarian also does not specifically teach compiling sale transaction information and payee information for inclusion on a new check document.

Buttridge further teaches compiling sale transaction information and payee information for inclusion on a new check document (page 4, paragraph [0039]).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include compiling sale transaction information and payee information for inclusion on a new check document as taught by Buttridge to incorporate all the transaction data in one place as needed even when the original blank check isn't present.

Saffarian finally does not specifically teach printing the transaction information and payee information on a newly created check document in defined check fields, displaying the newly created check document for review and signature by the payee and destroying the original blank check document supplied by the payee.

Buttridge teaches printing (print to screen) the transaction information and payee information on a newly created check document in defined check fields, displaying the newly created check document for review and signature by the payee and destroying the original blank check document supplied by the payee (return voided check to customer) (Figure 2: 150 and page 3, paragraphs [0029-0030]. Examiner notes that the act of "printing" can include printing to screen, in which case a display of information constitutes the printing of information.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include printing the

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transaction information and payee information on a newly created check document in defined check fields, displaying the newly created check document for review and signature by the payee and destroying the original blank check document supplied by the payee as taught by Buttridge to make the payee fully aware of the status of their transaction prior to approval and processing.

As per claim 3

Saffarian does not specifically teach determining whether the customer will submit an electronic signature on the newly created check document.

Buttridge teaches determining whether the customer will submit an electronic signature on the newly created check document (page 3, paragraph [0029- 0030]).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include determining whether the customer will submit an electronic signature on the newly created check document as taught by Buttridge to complete the fields of a blank check so that it can be processed.

As per claim 4

Saffarian does not specifically teach receiving on the newly created check document an electronic signature from the payee.

Buttridge teaches receiving on the newly created check document an electronic signature from the payee (page 3, paragraphs [0029-0030] and page 4, paragraph [0039]).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include receiving on the newly created check document an electronic signature from the payee as taught by Buttridge to complete the fields of a blank check to enable it to be processed with proper authorization.

As per claim 8

Saffarian does not specifically teach retrieving an electronic signature and printing the retrieved signature in a designated signature field on the check.

Buttridge teaches retrieving an electronic signature and printing the retrieved signature in a designated signature field on the check (page 4, paragraph [0039], lines 7-11).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to include retrieving an electronic signature and printing the retrieved signature in a designated signature field on the check as taught by Buttridge to complete the fields of a blank check.

7. Claims 2 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,796,488 to Saffarian (hereinafter Saffarian) in view of US

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Patent Application Number 2003/0033252 to Buttridge et al. (hereinafter Buttridge)

further in view of Official Notice.

As per claims 2 and 10

Saffarian teaches printing from the payment terminal device (page 4, lines 13-15).

Saffarian does not specifically teach outputting the newly created check document from the payment terminal device such that the check document can be physically handled by the payee.

Buttridge teaches outputting the newly created check document such that the check document can be physically handled (page 4, paragraph 0039).

Official Notice is taken that if the payment terminal device consists of a printer component that an image which can be printed from the user interface can invariably also be printed from the payment terminal device to be physically handled by the payee as the infrastructure already exists.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include outputting the newly created check document from the payment terminal device such that the check document can be physically handled by the payee as taught by the combination of Buttridge and Official Notice to allow the user the opportunity to physically handle the check to be processed in place of a user screen.

As per claim 11

Saffarian does not specifically teach determining whether the customer will submit an electronic signature on the newly created check document.

Buttridge teaches determining whether the customer will submit an electronic signature on the newly created check document (page 3, paragraph [0029- 0030]).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include determining whether the customer will submit an electronic signature on the newly created check document as taught by Buttridge to complete the fields of a blank check so that it can be processed.

As per claim 12

Saffarian does not specifically teach receiving on the newly created check document an electronic signature from the payee.

Buttridge teaches receiving on the newly created check document an electronic signature from the payee (page 3, paragraphs [0029-0030] and page 4, paragraph [0039]).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include receiving on the newly created check document an electronic signature from the payee as taught by

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Buttridge to complete the fields of a blank check to enable it to be processed with proper authorization.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,796,488 to Saffarian (hereinafter Saffarian) in view of US Patent Number 6,097,834 to Krouse et al. (hereinafter Krouse).

As per claim 19

Saffarian discloses a check feeder mechanism for accepting the check (page 4, lines 40-45), a processor (point-of-sale register) to calculate the amount of a sale (page 3, lines 43-45), a memory location storing information that to be provided related to the sale on the check (page 4, lines 16- 20) and a printer for printing the information on the check (check encoder) (page 4, lines 5-15).

Saffarian further discloses establishing locations on the check for printing information related to the sale (Figure 3: 302 & 304 and page 4, lines 24-28).

Saffarian does not specifically teach a scanner to establish locations on the check.

Krouse teaches a scanner to establish locations on the check (page 4, lines 18-39).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the check processing system of Saffarian to include a scanner to establish locations on the check as taught by Krouse to automate the establishment of locations on the check for printing information related to the sale.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. LEMIEUX whose telephone number is (571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

Jessica L Lemieux  
Examiner  
Art Unit 3693

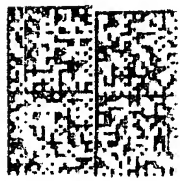
/J. L. L./  
Examiner, Art Unit 3693  
April 2008

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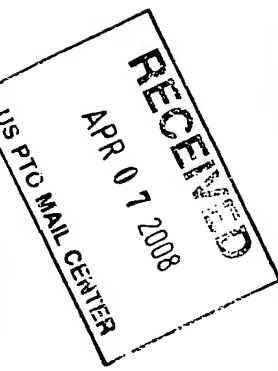
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